

NOV 19 2007

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

v.

THOMAS, Darrell Wayne

CRIMINAL COMPLAINT

Case Number: C-07-690M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 11/18/2007 in Kenedy County, in the
(Date)

Southern District of Texas defendant, **THOMAS, Darrell Wayne**

did knowingly or in a reckless disregard of the fact that aliens had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts:

See Attached Affidavit of ICE Special Agent **Agustin Olivarez**

Continued on the attached sheet and made a part of this complaint:

Yes No


Signature of Complainant

Agustin Olivarez

Printed Name of Complainant

Sworn to before me and signed in my presence,

November 19, 2007

Date

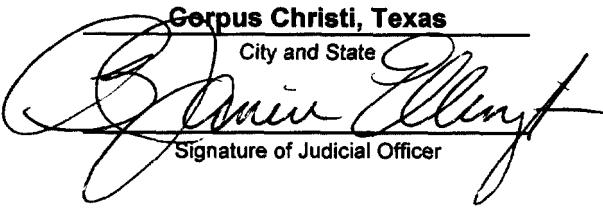
B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

On November 18, 2007 at 0100 hours, Senior Patrol Agent (SPA) Wayne F. Munoz was assigned to work the primary inspection lane of the Sarita Immigration Checkpoint located 34 miles south of Kingsville, Texas on State Highway 77. At approximately 0120 hours a white International tractor-trailer (Tractor license plate: TN 54945HY) owned by Paschall Truck Lines entered the primary lane of inspection at the checkpoint. SPA Munoz stepped up on the top step adjacent to the door, and questioned the driver of the tractor, Darrell W. THOMAS if he was a United States Citizen, to which he stated, "Yes, I am." SPA Munoz then proceeded to ask the driver if anyone else was traveling with him. THOMAS answered, "No". SPA Munoz looked into the interior of the tractor and noticed the curtain, which separates the driving compartment from the sleeping area, was partially open. SPA Munoz observed several people seated on top of the bed thus questioned the individuals in English if they were United States Citizens. They did not respond to his questions and subsequently, asked THOMAS to exit the vehicle. Agent Richard Blackwell climbed into the tractor and he found several other persons seated and lying down within the sleeping compartment. Questioning of the passengers revealed all were illegal aliens from Mexico, Honduras and China. SPA Munoz made a probable cause arrest of THOMAS after he determined a violation of Title 8 U.S.C. 1324, Alien Smuggling.

DARRELL W. THOMAS was advised of his rights as per Miranda. He acknowledged his rights by signing Service form I-214. The illegal aliens were also advised of the legal rights as well. A sworn statement was obtained from all smuggled aliens. Bao Yue Chung and Oin Fang Zheng were read their Miranda Rights in the Chinese Language by certified CBP interpreter Carol Lee and both invoked their right to counsel.

PRINCIPAL:

Darrell W. THOMAS was transporting a load of canned goods from Arkansas. He was to take the load to Keller, Texas. THOMAS stated a female known to him as "DEE" asked him if he was willing to take several individuals, Illegal Aliens, north to Houston, Texas, and offered to pay THOMAS a total of \$8000.00. On November 17, 2007, THOMAS agreed to this transaction and drove his tractor to "DEE's apartment. THOMAS stated he assisted the 17 individuals climb into his tractor. Subsequently, THOMAS headed towards Highway 77 where he eventually arrived at the Sarita Checkpoint.

MATERIAL WITNESS:

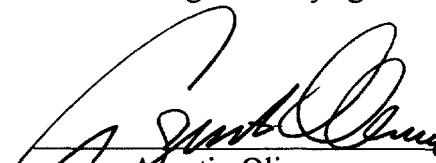
Guadalupe Jose MUNIZ-Tavarez was one of the illegal alien found hiding in the sleeping compartment. MUNIZ-Tavarez stated that he departed his home in Leon, Guanajuato, Mexico on November 11, 2007. MUNIZ-Tavarez stated he made arrangements with an unknown individual in Houston, Texas, to be smuggled to the United States. Shortly after arriving in Reynosa, Tamaulipas, Mexico on November 11, he entered the United States illegally by wading the Rio Grande River near Hidalgo, Texas. MUNIZ-Tavarez was transported to a house in McAllen, Texas. MUNIZ-Tavarez stayed at an unknown

location for a few days. MUNIZ-Tavarez was then transported to another house. MUNIZ-Tavarez stated it was at the second house the tractor arrived. Once the tractor arrived at the house, the truck driver and a female instructed the people to get into the tractor. MUNIZ-Tavarez also stated that prior to arriving at the Immigration Checkpoint, the truck driver advised them not to move.

ANGELICA RIVERA is a citizen of HONDURAS and does not possess any documentation allowing her to reside in the United States. She located hiding in the tractor sleeping compartment driven by DARRELL W. THOMAS. RIVERA stated she departed her home in San Pedro Sula, Honduras on November 01, 2007, and arrived in Mexico City, Mexico on the same date. RIVERA stayed in Mexico City until November 15, 2007 until her arrival in Matamoros, Tamaulipas. On November 16, 2007, RIVERA entered into the United States illegally by wading the Rio Grande River. RIVERA stated after entering into the United States, she was taken to a house where she remained for one day. The following day she was picked by an unknown subject and transported to a different house. RIVERA remained at this house for approximately two hours until THOMAS arrived. RIVERA stated THOMAS remained at the house for half an hour before he and another unknown female instructed her along with other undocumented aliens to board the cab of the tractor. RIVERA stated THOMAS and the unknown female observed her and 16 other undocumented immigrants board the tractor-trailer. RIVERA stated after they departed the house in the tractor they did not stop until their apprehension at the Sarita Checkpoint. RIVERA stated she could identify THOMAS as the driver of the tractor-trailer.

When questioned as to the events, the remaining illegal aliens corroborated with the statements given by MUNIZ-Tavarez and RIVERA.

On November 18, 2007, ICE Special Agent Agustin Olivarez interviewed Darrell Thomas. THOMAS was read his Miranda Rights and wished to give a voluntary statement without the presence of an attorney. THOMAS stated he had been working with Dee in transporting Illegal Aliens for her. THOMAS stated he had made several trips transporting Illegal Aliens. THOMAS is willing to testify against Dee. THOMAS gave a written confession.



Agustin Olivarez
Special Agent
Immigration and Customs Enforcement

SWORN TO AND BEFORE ME
THIS 19th day of November, 2007.

B. Janice Ellington, United States Magistrate Judge